

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Application of Vale S.A., Vale Holdings  
B.V., and Vale International S.A. for an Order  
Pursuant to 28 U.S.C. § 1782 to Conduct  
Discovery for Use in Foreign Proceedings

Case No. 1:20-mc-00199-JGK-OTW

**DECLARATION OF JAMES BRADY IN SUPPORT OF VALE S.A., VALE HOLDINGS  
B.V., AND VALE INTERNATIONAL S.A.'S REPLY MEMORANDUM OF LAW TO  
NYSKO MANAGEMENT CORPORATION'S OPPOSITION TO THE APPLICATION  
OF VALE S.A., VALE HOLDINGS B.V., AND VALE INTERNATIONAL S.A. FOR AN  
ORDER PURSUANT TO 28 U.S.C. § 1782 TO  
CONDUCT DISCOVERY FOR USE IN FOREIGN PROCEEDINGS**

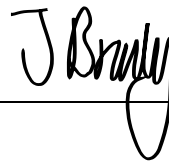
I, James Brady, pursuant to 28 U.S.C. § 1746 hereby declare under penalty of perjury  
under the laws of the United States of America as follows:

1. I am a partner of Cleary Gottlieb Steen & Hamilton LLP resident in the London  
office and I have conduct on behalf of the applicants Vale S.A., Vale Holdings B.V., and Vale  
International S.A. (collectively, "Vale") of the proceedings before the High Court of Justice,  
Business and Property Courts of England and Wales, Commercial Court, Queen's Bench  
Division of the case captioned Vale S.A. & Ors v. Steinmetz & Ors, Claim No. CL-2019-  
000723. I am a solicitor of the Senior Courts of England and Wales. I qualified as a solicitor in  
2011 and became a partner at Cleary Gottlieb Steen & Hamilton LLP in 2019. I respectfully  
submit this Declaration and the attached Exhibits in support of Vale's Reply Memorandum of  
Law to Nysco Management Corporation ("Nysco") in support of Vale's *Ex Parte* Application for  
an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings.

2. Attached hereto as Exhibit 1 is a true and correct copy of the judgment of the Court of Appeal of England and Wales in Emerald Supplies Ltd & Others v British Airways PLC & Others [2015] EWCA Civ 1024, dated October 14, 2015.

I certify pursuant to 28 U.S.C. § 1746 under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed: London, United Kingdom  
June 15, 2020

A handwritten signature in black ink, appearing to read "J Brady", is positioned above a horizontal line.

James Brady  
(jbrady@cgsh.com)

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Vale International S.A.*